



Energy and Telecommunications Interim Committee
65th Montana Legislature

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August 27, 2018

ENERGY &
TELECOMMUNICATIONS
INTERIM COMMITTEE 2017-2018

To: Energy and Telecommunications Interim Committee
From: Jameson Walker, Legislative Attorney
Re: Administrative Rule Report, August 2018

Sept. 10, 2018

Exhibit 5

The Energy and Telecommunications Interim Committee (ETIC) is responsible for reviewing administrative rules promulgated by several state agencies for compliance with the Montana Administrative Procedure Act (MAPA). The ETIC has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the Department of Public Service Regulation and the Public Service Commission. The following notices are filed with the Secretary of State's Office for publication in the Montana Administrative Register (MAR). Notices are available at <http://www.mtrules.org> (search by notice number).

PROPOSAL NOTICES

Department of Public Service Regulation and Public Service Commission

MAR Notice Number: 38-2-241

Subject: Amendment of rules pertaining to discovery procedures in commission proceedings.

Summary: The department proposes to amend 38.2.3301. The department is proposing to allow the commission to issue a procedural order to govern discovery in each docket. The department is proposing that unless otherwise specified, the commission adopts Rules 26(b) and 37 of the Montana Rules of Civil Procedure. The department also proposes to allow data requests as the primary method of discovery in commission proceedings. The department states that these amendments are necessary to clarify a long-standing discovery practice before the department.

Notes/Hearing: The department will hold a public hearing on September 18, 2018, to consider the rule notice.

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